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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/539,651	03/30/2000	Ion Leon Batachia	11537/5	8549

26646 7590 07/18/2002

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EXAMINER

SHERR, CRISTINA O

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 07/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/539,651

Applicant(s)

BATACHIA ET AL.

Examiner

Cristina Owen Sherr

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 1 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claim 1 in this action has been canceled. Claims 2 –13 have been examined.

***Information Disclosure Statement***

2. The information disclosure statement submitted on 20 February 2001 was filed after the mailing date of the 27 February 2001 on 29 March 2001. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the petition is granted and the information disclosure statement is being considered by the examiner.

***Specification***

3. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1 –5 are rejected under 35 U.S.C. 102(a) as being anticipated by Bigus et al (US 6,401,080B1).
6. Bigus discloses an intelligent agent having a negotiation object comprising at least one first sub-object associated with the negotiation object; and at least one second sub-object associated with the first sub-object, wherein a negotiation with the second

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sub-object is satisfied prior to entering negotiation with the first sub-object (Col. 8 In 24-39); further comprising at least one attribute associated with the first sub-object (Col 8 In 40- 58); further comprising at least one attribute associated with the second sub-object (Col. 8 In 24-39); wherein the second sub-object and the first sub-object are in a hierarchical relationship (Col. 9 In 22 – 56).

7. Claims 6 - 9 are rejected under 35 U.S.C. 102(a) as being anticipated by Bigus et al (US 6,401,080B1).

8. Bigus discloses a method of forming a negotiation object of an intelligent agent comprising forming at least one first sub-object associated with the negotiation object; and forming at least one second sub-object associated with the first sub-object, wherein a negotiation with the second sub-object is satisfied prior to entering negotiation with the first sub-object (Col. 9 In 22 – 56); further comprising forming at least one attribute associated with the first sub-object (Col. 9 In 22 – 56); further comprising forming at least one attribute associated with the second sub-object (Col. 9 In 22 – 56); further comprising forming the second sub-object and the first sub-object in a hierarchical relationship (Col. 9 In 22 – 56).

9. Claims 10 - 13 are rejected under 35 U.S.C. 102(a) as being anticipated by Bigus et al (US 6,401,080B1).

10. Bigus discloses a computer accessible medium which when executed by a processor causes the processor to perform a method of forming a negotiation object of an intelligent agent comprising forming at least one first sub-object associated with the negotiation object; and forming at least one second sub-object associated with the first

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sub-object, wherein a negotiation with the second sub-object is satisfied prior to entering negotiation with the first sub-object (Col. 7, ln 4 – 45); further comprising forming at least one attribute associated with the first sub-object (Col. 9 ln 22 – 56); further comprising at least one attribute associated with the second sub-object (Col. 9 ln 22 – 56); further comprising forming the second sub-object and the first sub-object in a hierarchical relationship (Col. 9 ln 22 – 56).

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Conklin et al (US 6,141,653A) discloses a system for interactive multivariate negotiations over a network.

13. Kennedy et al (US 6,055,519A) discloses a framework for negotiations and tracking of sale of goods.

14. Bigus et al (US 6,085,1778A) discloses an apparatus and method for communicating between an intelligent agent and client computer process using disguised messages.

15. Any inquiry concerning this communication from the Examiner should be directed to C. Owen Sherr, whose telephone number is (703) 305-0625. The Examiner can normally be reached on Mondays through Fridays from 8:30 AM – 5:00 PM.

16. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, James Trammell, can be reached at (703) 305-9768. The FAX phone number for this group is (703) 305-7687.

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17. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist, whose telephone number is (703) 305-3900.



**JAMES P. TRAMMELL**  
**SUPERVISORY PATENT EXAMINER**  
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